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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,218	12/30/2003	Keun-Bae Lee	11038-118-999	1461
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MORGAN, LEWIS & BOCKIUS, LLP. 2 PALO ALTO SQUARE 3000 EL CAMINO REAL PALO ALTO, CA 94306			EXAMINER EDELL, JOSEPH F	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/749,218

Applicant(s)

LEE, KEUN-BAE

Examiner

Joseph F. Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 6 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

The amendment after final rejection filed 15 November 2005 has been entered.  
The final rejection mailed 15 September 2005 has been withdrawn.

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities:
  - a. line 4, "so as to be pivoted" should read --to pivot in a vertical pivoting range plane--;
  - b. line 6, "stopper means" should read --means--;
  - c. line 9, "to one" should read --in relation to a--;
  - d. line 11, "a pivoting direction" should read --the pivoting direction--;
  - e. lines 12-13, "to a direction vertical " should read --in a direction perpendicular--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 20040155496 A1 to Farquhar et al.

Farquhar et al. disclose an activating headrest that includes all the limitations recited in claim 1 and 6. Farquhar et al. show an activating headrest having a headrest 30 (see Fig. 1), a detecting link 14 integrally linked to the headrest and pivotally mounted to a seat frame 20, a return spring 58 installed between the detecting link and the seat frame, means 15 for fixing a state of the headrest that includes a slider 48 (see Fig. 3a) of which a sliding surface contacts with the detecting link, a linear guide 52 fixed to the seat frame, a slider spring 50, and a releasing cable 56 being coupled to the slider at one end.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farquhar et al. in view of U.S Patent No. 6,783,177 B1 to Nakano.

Farquhar et al. disclose an activating headrest that is basically the same as that recited in claim 2 except that the detecting link lacks a detecting rod protruding below the horizontal rod, as recited in the claims. See Figure 1 of Farquhar for the teaching that the detecting link has a headrest supporting pipe 36 into which a headrest rod 28 is

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inserted, a horizontal rod 38, a pair of pivot arms 34 installed at both ends of the horizontal rod, and a detecting plate 40. Nakano shows an activating headrest similar to that of Farquhar et al. wherein the headrest has a detecting link with a headrest supporting pipe 19 (see Fig. 3), a horizontal rod 7A, a detecting rod 35A protruding underneath the horizontal rod, and a detecting plate 39A installed at an detecting rod. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the activating headrest of Farquhar et al. such that the detecting link has a detecting rod protruding underneath the horizontal rod and the detecting plate is installed on the detecting rods, such as the activating headrest disclosed in Nakano. One would have been motivated to make such a modification in view of the suggestion in Nakano that the detecting rod protruding below the horizontal rod provides an I-shaped pressure receiving member that reliable pivots the headrest forward in the event of a rearward collision.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Farquhar et al. in view of Nakano as applied to claim 2 above, and further in view of U.S. Patent No. 6,199,947 to Wiklund.

Farquhar et al., as modified, disclose an activating headrest that is basically that same as that recited in claim 3 except that the seat frame lacks a pair of supporting brackets, as recited in the claims. Wiklund shows an activating headrest similar to that of Farquhar et al. wherein the headrest has a detecting link 5 (see Fig. 2) mounted to a seat frame 9, and including a pair of arms 12 at both ends of a rod 17, and a pair of support brackets 13 on the seat frame. Therefore, it would have been obvious to one

having ordinary skill in the art at the time the invention was made to further modify the activating headrest of Farquhar et al. such that the seat frame has a pair of support brackets integrally fixed thereto, such as the activating headrest disclosed in Wiklund. One would have been motivated to make such a modification in view of the suggestion in Wiklund that the pair of support brackets provides continuous support of the detecting link as it moves upward and forward in the event of a rearward collision.

#### ***Allowable Subject Matter***

7. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Joe Edell".

Joe Edell  
November 30, 2005